

SECOND / THIRD READINGS SUMMARY SHEET

ZONING CASE NUMBER: C14-2008-0115 – William Cannon

REQUEST:

Approve second / third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 4808 West William Cannon Drive (Williamson Creek Watershed – Barton Springs Zone) from single family residence standard lot (SF-2) district zoning to neighborhood commercial – mixed use – conditional overlay – neighborhood plan (LR-MU-CO-NP) combining district zoning with conditions. The Recreation Easement is for a depth of 175 feet from the north property line. Use of the easement is for recreational purposes, including the construction, operation, maintenance, repair, replacement and upgrade of a park, greenbelt, and hike and bike trails.

DEPARTMENT COMMENTS:

On January 15, 2009, the Applicant and the Neighborhood reached agreement that the following items be placed in a Conditional Overlay:

- Limit the impervious cover to 13.11% (12,298 square feet, as determined by a 2009 survey). Please refer to supporting documentation following the Summary Sheet.
- Limit the total building square footage to 5,000 square feet.
- Prohibit the following uses: consumer convenience services, congregate living, custom manufacturing, financial services, food sales, general retail sales (general), guidance services, off-site accessory parking, pet services, plant nursery, printing and publishing, restaurant (general and limited), residential treatment and service station.
- The maximum height is 35 feet.
- A 25-foot wide building setback is required along the east property line.
- A 15-foot wide building requirement is required along the west property line, unless the subject property and the adjacent property to the west are developed as a unified development.
- A 25-foot wide vegetative buffer is required along West William Cannon Drive.
- A 50-foot wide building setback is required along West William Cannon Drive.

The Applicant and the Neighborhood have also agreed to a private restrictive covenant that will cover restrictions for a jewelry store use, signage and lighting; require screening for front parking areas and dumpsters; require architectural standards for new buildings; establish business hours of operation; and require screening of a retention/filtration facility.

A valid petition of 74.45% has been filed by the adjacent property owners in opposition to this rezoning request.

The Conditional Overlay and Recreation Easement incorporates the conditions imposed by the City Council at First Reading.

OWNERS: Marcus Whitfield and Eskew Place, Ltd. (Gail and Marcus Whitfield).

AGENT: McClean & Howard, L.L.P (Jeff Howard).

DATE OF FIRST READING: October 23, 2008, approved LO-MU-CO with conditions, on First Reading (5-1, Morrison – nay; Martinez – off the dais).

CITY COUNCIL HEARING DATE: February 26, 2009

CITY COUNCIL ACTION:

ORDINANCE NUMBER:

ASSIGNED STAFF: Wendy Rhoades
e-mail: wendy.rhoades@ci.austin.tx.us

Rhodes, Wendy

From: Jeff Howard [jhoward@mcleanhowardlaw.com]
Sent: Wednesday, February 18, 2009 2:23 PM
To: Rhodes, Wendy
Subject: FW: 4808 Wm Cannon
Attachments: Whitfield#1.pdf

Wendy,

Below is our engineer's explanation of the difference in the original calculation and the current calculation of impervious cover. In addition, enclosed is the engineer's sealed letter verifying the that the existing impervious cover is 12,298 square feet or 13.11% of gross site area (12,298sf / 93,817sf). We have provided this information to the neighborhood and are working on a resolution of outstanding items. Thanks.

Jeffrey S. Howard
McLean & Howard, LLP
1004 Mopac Circle, Suite 100
Austin, Texas 78746
Telephone (512) 328-2008
Facsimile (512) 328-2409
www.mcleanhowardlaw.com

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From: Danny Miller [dmiller@ljaengineering.com]
Sent: Friday, February 13, 2009 9:31 AM
To: gwhitfield@thewhitfieldco.com; Jeff Howard
Subject: 4808 Wm Cannon

Gail, attached is our letter summarizing the impervious cover for the above property. Obviously, this number is higher than the initial number presented to the neighborhood and the City of Austin. The initial calculation made by Ron Thrower was taken from a title survey dated April 12, 2006. That title survey was not prepared with the intent of locating all impervious cover. It was only prepared to be in compliance with surveying standards for title surveys. Based on our research, and a new survey of actual impervious cover, we believe the existing impervious cover is as outlined in the attached letter.

Let me know if you have any questions. Thanks,

Danny Miller, P.E.

LJA Engineering & Surveying, Inc.
5316 Highway 290 West, Suite 150
Austin, Texas 78735
512-439-4700

2/18/2009

LJA Engineering & Surveying, Inc.



5316 Highway 290 West
Suite 150
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Phone 512.439.4700
Fax 512.439.4716
www.ljaengineering.com

February 12, 2009

Ms. Gail Whitfield
The Whitfield Company
4934 Highway 290 West
Austin, Texas 78735

Re. 4808 West William Cannon Drive, Austin, Texas

Dear Ms. Whitfield:

On February 11, 2009, LJA performed a site inspection of the above referenced property, in order to verify the impervious cover calculations as shown on a survey prepared by Steve H. Bryson, RPLS. Based on measurements made in the field, historical aerial photographs, and this survey, we have calculated the existing impervious cover, as defined by the City of Austin, to be approximately 12,298 sf, 13.11% (12,298sf / 93,817 sf) of the gross site area.

If you should have any questions, or need any additional information, please do not hesitate to contact me.

Sincerely,


Danny Miller, P.E.
Sr. Project Manager



dm

W:\DMiller\Whitfield#1.doc

ITEM No. 84
4808 William Cannon

AGREED MOTION ON SECOND READING

LR-MU-CO

1. Conditional Overlays:

- Limit impervious cover to currently existing impervious cover (approx. 8100 sqft)
- Prohibit the following commercial uses: Consumer Convenience Services, Consumer Repair Services (except for locally owned jewelry store with no more than 2 locations), Financial Services, Food Sales, General Retail Sales (Convenience) (except for locally owned jewelry store with no more than 2 locations), Off-Site Accessory Parking, Pet Services, Plant Nursery, Printing and Publishing, Restaurant (Limited), Service Station
- Prohibit all industrial uses
- Prohibit the following civic uses: Congregate Living, Convalescent Services, Group Home I, Group Home II, Guidance Services, Residential Treatment and Telecommunication Tower
- Any new building on the Property replacing the existing building will be located outside of the Critical Water Quality Zone and demolished areas will be revegetated
- Total building square footage not to exceed 5000 square feet
- Max. Height is 35 feet measured from grade to highest point of the roof
- 25 foot building setback from the east property line
- 15 foot building setback from the west property line, unless the property and adjacent property are developed under as a unified development
- 25 foot vegetative buffer from William Cannon (except for driveway, utilities and signage)
- 50 foot building setback from William Cannon

2. Additional Conditions of Zoning

- A. Recreation Easement recorded for trail along Williamson Creek (*NOTE: the easement has been drafted and field notes have been prepared. The Easement will be recorded at 3rd reading*).
- B. Private Restrictive Covenant with Neighborhood with following terms:
- Jewelry Store use (if any) to be restricted for local store with no more than 2 locations, no other retail uses allowed
 - In the event of major redevelopment, screening of front parking areas will be provided at least 6 feet tall consisting of vegetation and/or stone or brick walls
 - Providing for signage restrictions as follows:
 - i. Main identification sign is to be native stone (limestone) or brick with a maximum height of 6 feet plus an appropriately landscaped 18 inch berm or sign base; sign to be positioned for safe ingress and egress to the site. Additionally the sign is not to be internally illuminated in accordance with City of Austin Code as of November 2008 and is not to contain any changeable letter or electronic message sign. The sign may be ground

illuminated only if landscaping is provided to screen the lighting components from street view.

- ii.* Building signage is to be Class A signage (no painted signboard or plywood; no channel letters or cabinets unless variance granted prior to manufacture and/or installation by Western Oaks Property Owners Association).
 - iii.* Banners are allowed for the first 30 days of occupancy (90 days in the case of a private school advertising enrollment) to announce opening and two ten day periods yearly. No other temporary signage is allowed at any time. Signage advertising the property for sale or lease is excepted from the temporary signage limitation.
- Architectural Standards for new buildings
 - i. 75% of building native stone or brick (not including windows and doors)
 - ii. Earthtone colors
- Business hours of operation to receive customers Monday through Friday 7am-9pm; Saturday through Sunday 9am-6pm
- Any Retention/filtration facility screened to Western Oaks residents and White Elm residents.
- If development is subject to site plan review, all items in this agreement to be included in notes on site plan.
- Lighting to meet dark sky standards as established in other covenants with Western Oaks POA.
- For major redevelopment, dumpster is to be screened and fully enclosed with attractive materials from William Cannon and White Elm residents. Service only between the hours of 8am-6pm.
- Streetscape landscaping is to be maintained as current with minor trimming allowed. If redevelopment occurs, with rear parking, landscaping in front of any new building is to have a residential “look and feel” (trees and shrubs) to make any new building generally consistent landscaping in the Western Oaks neighborhood. If redevelopment occurs with front parking, parking area is to be screened by landscaping and/or stone wall such that vehicles are screened from the street as described above

ZONING CHANGE REVIEW SHEET

CASE: C14-2008-0115 – William Cannon

P.C. DATE: July 8, 2008
July 22, 2008
August 12, 2008

ADDRESS: 4808 West William Cannon Drive

OWNER: Marcus Whitfield & Eskew Place, Ltd. **AGENT:** McClean & Howard, L.L.P.
(Gail and Marcus Whitfield) (Jeffrey Howard)

ZONING FROM: SF-2 **TO:** LR-MU **TOTAL AREA:** 2.15 acres

SUMMARY STAFF RECOMMENDATION:

The Staff recommendation is to maintain single family residence standard lot (SF-2) district zoning.

PLANNING COMMISSION RECOMMENDATION:

July 8, 2008: *APPROVED A POSTPONEMENT REQUEST BY THE APPLICANT TO JULY 22, 2008.*

[S. KIRK; M. DEALEY – 2ND] (8-0) D. SULLIVAN – ABSENT

July 22, 2008: *APPROVED A POSTPONEMENT REQUEST BY THE NEIGHBORHOOD TO AUGUST 12, 2008.*

[M. DEALEY; S. KIRK – 2ND] (7-0) T. ATKINS; C. EWEN – NOT ARRIVED YET

August 12, 2008: *TO DENY THE APPLICANT'S REQUEST FOR LR-MU DISTRICT ZONING.*

[P. HUI; P. CAVAZOS – 2ND] (5-2) C. EWEN; M. DEALEY – NAY; J. REDDY; C. SMALL – ABSENT

ISSUES:

On January 15, 2009, the Applicant and the Neighborhood reached an agreement that the following items be placed in a Conditional Overlay:

- Limit the impervious cover to 12,298 square feet (13.11%). (Please refer to supporting documentation following the Summary Sheet.)
- The total building square footage may not exceed 5,000 square feet.
- Prohibit the following uses: consumer convenience services, congregate living, custom manufacturing, financial services, food sales, general retail sales (general), guidance services, off-site accessory parking, pet services, plant nursery, printing and publishing, restaurant (general and limited), residential treatment and service station.
- The maximum height is 35 feet.
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- A 15-foot wide building requirement is required along the west property line, unless the subject property and the adjacent property to the west are developed as a unified development.
- A 25-foot wide vegetative buffer is required along West William Cannon Drive.
- A 50-foot wide building setback is required along West William Cannon Drive.

The Applicant and the Neighborhood have also agreed to a private restrictive covenant that will cover restrictions for a jewelry store use, signage and lighting; require screening for front parking areas and dumpsters; require architectural standards for new buildings; establish business hours of operation; and require screening of a retention/filtration facility.

On October 23, 2008, the subject property (designated as Tract AG on the Future Land Use Map) was approved for Neighborhood Mixed Use designation on 1st Reading (5-1, Morrison – Nay; Martinez – off the dais).

A valid petition of 74.45% has been filed by the adjacent property owners in opposition to this rezoning request.

The Oak Hill Combined Neighborhood Plan and associated rezoning cases were approved with conditions at the July 8th Planning Commission meeting and are scheduled for the August 28th City Council meeting. Neither the Neighborhood Planning Contact Team nor the Staff recommended a base district zoning change for the subject property and the recommended Future Land Use Map category was Single Family. However, the property is proposed to receive the –NP, neighborhood plan combining district suffix through the neighborhood plan rezonings.

The Applicant has met with the Western Oaks Property Owners Association and the Westcreek Ranch Homeowners Association to discuss the zoning change, and would like to discuss the Staff recommendation.

The Hill Country Conservancy and the Austin Parks Foundation have each provided a letter of support for a conservation easement along Williamson Creek, which extends through the rear of the property.

DEPARTMENT COMMENTS:

The subject unplatted tract contains one single family residence, has driveway access to West William Cannon Drive and is zoned single family residence standard lot (SF-2) district. The tract is situated between a condominium development to the east (SF-6) and single family residences on large platted tracts to the west (SF-2). Williamson Creek flows through the property on its north side and forms the southern boundary of the Westcreek subdivision. Western Oaks subdivision is to the south (SF-2). Please refer to Exhibits A (Zoning Map), A-1 (Aerial View) and A-2 (100-year floodplain).

The Applicant proposes to rezone the tract to the neighborhood commercial – mixed use (LR-MU) district and convert the existing residence to either an office use or a personal

improvement services use, and potentially develop a retail sales use along the William Cannon frontage.

Although the property is situated on a major arterial roadway, commercial development and zoning along this segment of William Cannon is generally reserved for sites located at intersections. A rezoning to a non-residential district would be inconsistent with the neighborhood plan rezonings and would set precedent for office or commercial use in similar locations. In addition, the Critical Water Quality Zone and the Water Quality Transition Zone (CWQZ and WQTZ, measured from the centerline of Williamson Creek) occupies a significant portion of the site, thereby constraining site development. As the property is unplatted, impervious cover is limited to 15 percent of the net site area (the area outside of the CWQZ and the WQTZ). Due to the environmental constraints and the residential character of this portion of William Cannon Drive, the Staff is recommending that the SF-2 zoning be maintained.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	SF-2	One single family residence
<i>North</i>	SF-2	Single family residences within the Westcreek subdivision
<i>South</i>	SF-2	Single family residences within the Western Oaks subdivision
<i>East</i>	SF-2; SF-6	Williamson Creek; Condominiums of Westcreek Ranch
<i>West</i>	SF-2	Single family residences on large lots within the Bridle Path Estates subdivision

NEIGHBORHOOD PLANNING AREA: East Oak Hill **TIA:** Is not required

WATERSHED: Williamson Creek –
Recharge Zone

DESIRED DEVELOPMENT ZONE: No

CAPITOL VIEW CORRIDOR: No

SCENIC ROADWAY: Yes

NEIGHBORHOOD ORGANIZATIONS:

89 – Westcreek Neighborhood Association

298 – Oak Hill Association of Neighborhoods

384 – Save Barton Creek Association

428 – Barton Springs / Edwards Aquifer Conservation District

705 – OHAN 78735

779 – Oak Hill Combined NPA Staff Liaison

786 – Home Builders Association of Greater Austin

943 – Save Our Springs Alliance

967 – Circle C Neighborhood Association

1113 – Austin Parks Foundation

1037 – Homeless Neighborhood Association

SCHOOLS:

Patton Elementary School

Small Middle School

Austin High School

CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C814-98-0001.03 (Wine Styles at Arbor Trails)	PUD to PUD, to change the conditions of zoning	To Grant PUD and add "cocktail lounge" as an additional permitted use for a 0.043 acre area	Approved PUD as recommended by the ZAP (5-3-07).
C814-98-0001.01 (Southwest Marketplace)	PUD to PUD, to change the conditions of zoning	To Grant PUD with the Restrictive Covenant for the Traffic Phasing Agreement	Approved PUD with conditions as recommended by the Environmental Board and ZAP (9-2-04).
C14-03-0178 – Western Oaks Physical Fitness Studio	LR to GR	To Grant GR-CO with CO for list of prohibited uses	Approved GR-CO as Commission recommended (2-26-04).
C14-89-0007 – Westcreek Section 10, Phase G, Resub of Lot 1	LO to GR-CO	To Grant GR-CO	Approved GR-CO with CO limiting F.A.R.; impervious cover to 70%; LR uses and freestanding or low-profile signs allowed in the LR district (11-9-89).
C14-80-114RC – Westcreek Landing	Interim-AA, A, AA Residence to AA, A-2, BB, O, LR,	To Grant, with Site Plan	Approved with Restrictive Covenant with limitations on where residential may not occur, site plan requirement, access to William Cannon Drive, landscaping, fencing, building setback (11-20-80).

RELATED CASES:

The property was annexed into the City limits on July 3, 1975 (C7A-75-006). There are no pending subdivision or site plan applications on the subject property.

ABUTTING STREETS:

Name	ROW	Pavement	Classification	Bicycle Plan	Sidewalks	Capital Metro
West William Cannon Drive	120 feet	95 feet	Arterial	Yes, Priority 1	Yes, both sides	No

COUNCIL DATE: August 7, 2008**ACTION:** Approved a Postponement request by the Staff to August 21, 2008 (7-0).

August 21, 2008

Approved a Postponement request by the Applicant to August 28, 2008 (7-0).

August 28, 2008

Approved a Postponement request by the Staff to October 23, 2008 (7-0).

October 23, 2008

Approved LO-MU-CO district zoning with the CO limiting the impervious cover to the existing cover, including the requirement for dedication of land for the trail, on First reading of the ordinance rezoning (5-1, Morrison – Nay; Martinez – off the dais).

January 15, 2009

Approved a Postponement request by Staff to January 29, 2009 (6-0, Mayor Pro Tem McCracken - off the dais.

Note: Direction was given to staff to include as many of the proposed conditional overlays as possible when the action was brought back for Council approval.

January 29, 2009

Approved a Postponement request by the Applicant to February 12, 2009 (7-0).

February 12, 2009

Approved a Postponement request by the Applicant to February 26, 2009 (7-0).

February 26, 2009

ORDINANCE READINGS: 1st October 23, 2008 2nd3rd**ORDINANCE NUMBER:**

CASE MANAGER: Wendy Rhoades
e-mail: wendy.rhoades@ci.austin.tx.us

PHONE: 974-7719



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VALLEY

SUNNYSIDE

WHITE FLM

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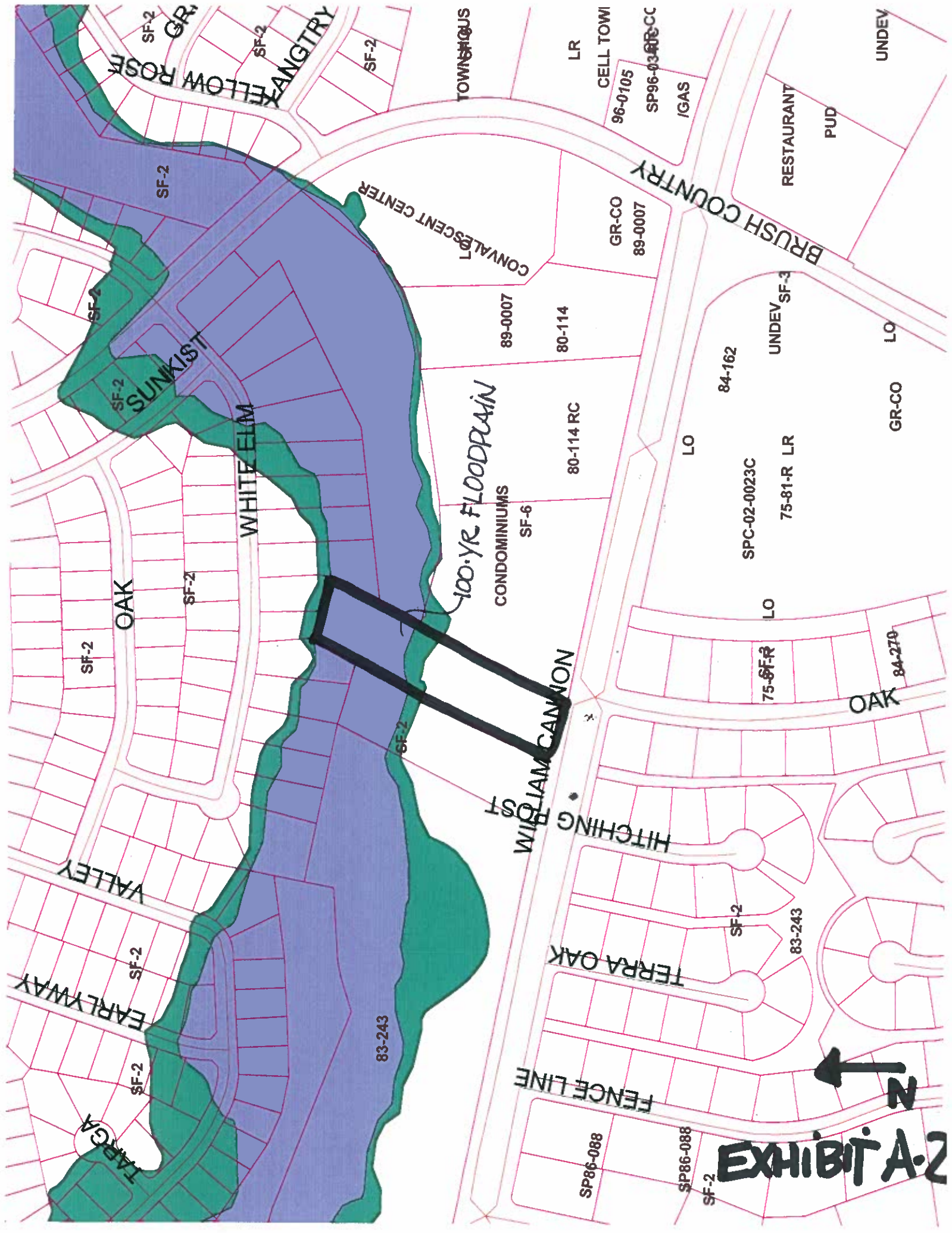


EXHIBIT A-2

SUMMARY STAFF RECOMMENDATION:

The Staff recommendation is to maintain single family residence standard lot (SF-2) district zoning.

BASIS FOR LAND USE RECOMMENDATION (ZONING PRINCIPLES)

1. *The proposed zoning should be consistent with the purpose statement of the district sought.*

The LR, Neighborhood Commercial district is intended for shopping facilities that provide limited business services and offices to the residents of the neighborhood, such as consumer repair services, food sales, service stations, and pet services. The purpose statement listed in the City of Austin *Land Development Code* states: "The Neighborhood Commercial district is the designation for a commercial use that provides business service and office facilities for the residents of a neighborhood. Site development regulations and performance standards applicable to a LR district use are designed to ensure that the use is compatible and complementary in scale and appearance with the residential environment." The mixed use (MU) district is intended to allow for office, retail, commercial and residential uses to be combined in a single development.

2. *Zoning changes should promote an orderly and compatible relationship among land uses.*

Although the property is situated on a major arterial roadway, commercial development and zoning along this segment of William Cannon is generally reserved for sites located at intersections. A rezoning to a non-residential district would be inconsistent with the neighborhood plan rezonings and would set precedent for office or commercial use in similar locations. In addition, the Critical Water Quality Zone and the Water Quality Transition Zone (CWQZ and WQTZ, measured from the centerline of Williamson Creek) occupies a significant portion of the site, thereby constraining site development. As the property is unplatted, impervious cover is limited to 15 percent of the net site area (the area outside of the CWQZ and the WQTZ). Due to the environmental constraints and the residential character of this portion of William Cannon Drive, the Staff is recommending that the SF-2 zoning be maintained.

EXISTING CONDITIONS**Site Characteristics**

The subject tract is developed one single family residence and slopes to the north, towards Williamson Creek which flows through the property on its north side.

Impervious Cover

The maximum impervious cover allowed by the LR-MU zoning district would be 15%, which is based on the more restrictive watershed regulations described below.

Environmental

This site is located over the Edwards Aquifer Recharge Zone. The site is in the Williamson Creek Watershed of the Colorado River Basin, which is classified as a Barton Springs Zone (BSZ) watershed. It is in the Drinking Water Protection Zone.

Here is a brief summary of LDC 25-8 and how it applies to this tract:

1. The SOS impervious cover limit for any kind of development within the recharge zone is 15% net site area.
2. The SOS Ordinance does not apply to a single tract of land not required to be platted if the development is either:
 - a. construction, renovation, additions to, repair, or development of a single-family, single-family attached, or a duplex structure used exclusively for residential purposes, and construction of improvements incidental to that residential use (therefore, the impervious cover is established by the base zoning district); or
 - b. development of a maximum of 8,000 square feet of impervious cover, including impervious cover existing before and after the development. (Note: Based on GIS planimetrics, the site is already over 8,000 square feet of IC and would not be able to use this exemption.)
3. However, this site is almost 100% within the Critical Water Quality Zone and Water Quality Transition Zone (except approx. 692 sq ft or 0.7% of the site according to GIS). Over the recharge zone, no development is allowed within the CWQZ or WQTZ except for minor drainage facilities and trails. (There is a one unit/three acre allowance in the WQTZ, but this does not apply in the recharge zone.)
Environmental Review staff agrees that the buffer prohibitions would trump any existing tract exceptions under the SOS Ordinance itself. They would not be able to put additional impervious cover within either buffer.
4. The new BSZ Redevelopment Ordinance would not apply to this tract because it does not apply to existing residential uses.

According to flood plain maps, there is a flood plain within the project location.

Based upon the close proximity of a flood plain, offsite drainage should be calculated to determine whether transition zone exists within the project location.

The site is located within the endangered species survey area.

Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.

At this time, site specific information is unavailable regarding existing trees and other vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rimrock, caves sinkholes, and wetlands.

Under current watershed regulations, development or redevelopment on this site will be subject to providing structural sedimentation and filtration basins with increased capture volume and 2-year detention. Runoff from the site is required to comply with pollutant load restrictions as specified in LDC Section 25-8-514.

At this time, no information has been provided as to whether this property has any preexisting approvals which would preempt current water quality or Code regulations.

Transportation

No additional right-of-way is needed for William Cannon at this time.

A traffic impact analysis was not required for this case because the traffic generated by the proposed zoning does not exceed the threshold of 2,000 vehicle trips per day. [LDC, 25-6-113]

Water and Wastewater

The landowner intends to serve the site with City of Austin water and wastewater utilities. The landowner, at own expense, will be responsible for providing the water and wastewater utility improvements, offsite main extensions, system upgrades, utility relocations and or abandonments required. The water and wastewater plan must be in accordance with the City of Austin utility design criteria. The water and wastewater utility plan must be reviewed and approved by the Austin Water Utility. All water and wastewater construction must be inspected by the City of Austin. The landowner must pay the City inspection fee with the utility construction. The landowner must pay the tap and impact fee once the landowner makes an application for a City of Austin water and wastewater utility tap permit.

Site Plan and Compatibility Standards

Site plans will be required for any new development other than single-family or duplex residential.

This site is in the Scenic Roadway Sign District. All signs must comply with Scenic Roadway Sign District regulations.

Any development which occurs in an SF-6 or less restrictive zoning district which is located 540-feet or less from property in an SF-5 or more restrictive zoning district will be subject to compatibility development regulations.

The site is subject to compatibility standards. Along the West, North, and Northeast property lines, the following standards apply:

- a. No structure may be built within 25 feet of the property line.
- b. No structure in excess of two stories or 30 feet in height may be constructed within 50 feet of the property line.
- c. No structure in excess of three stories or 40 feet in height may be constructed within 100 feet of the property line.
- d. For a structure more than 100 feet but not more than 300 feet from property zoned SF-5 or more restrictive, 40 feet plus one foot for each 10 feet of distance in excess of 100 feet from the property zoned SF-5 or more restrictive.
- e. An intensive recreational use, including a swimming pool, tennis court, ball court, or playground, may not be constructed 50 feet or less from adjoining SF-3 property.
- f. No parking or driveways are allowed within 25 feet of the property line.
- g. A landscape area at least 25 feet wide is required along the property line. In addition, a fence, berm, or dense vegetation must be provided to screen adjoining properties from views of parking, mechanical equipment, storage, and refuse collection.

Additional design regulations will be enforced at the time a site plan is submitted.

Rhoades, Wendy

From: Rick Perkins [mailto:rick@perkins.com]
Sent: Thursday, August 21, 2008 4:02 PM
To: Rhoades, Wendy
Cc: Richard Perkins
Subject: Williamson Creek Trail - Conservation / Recreational Easement - Case C14-2008-0115
Attachments: Hill Country Conservancy Letter.pdf; AustinParksFoundation-Letter C14-2008-0115.pdf

Ms. Rhoades,

I am Vice-chair of the Oak Hill Trails Association and I would just like to share with you some comments about the Williamson Creek Trail that is in the Oak Hill Neighborhood Plan. I am speaking on my own behalf because this opportunity just appeared to us and the Oak Hill Trails Association has not had a chance to vote on this issue.

Attached are two letters of support from the Hill Country Conservancy and the Austin Parks Foundation for the contiguous connection of the Williamson Creek Trail which roughly parallels to William Cannon.

The homeowner who is asking for a change of zoning from SF2 to LO has told us that they are committed to a conservation easement and a recreational easement on the back portion of their property. The rec easement would be used for the Williamson Creek Trail of which this property is in a very critical area to ensure that we will have a contiguous trail between the Y at Oak Hill, the Oak Hill little league baseball fields at Hwy 290, to Dick Nichols Park, and across MoPac to connect to the Walk for a Day trail. The Oak Hill neighborhoods have a far-reaching goal to have this natural trail to be slowly constructed over the next 10 years. This is evidenced in the Oak Hill Neighborhood Plan of which the Williamson Creek Trail is a part.

It should be noted that the City of Austin already owns a majority of the land that constitutes Williamson Creek and in most instances the width of the land ownership is in excess of 100 feet. There is plenty of room for a 5 or 10 foot wide hike and bike trail within this swath of land. The immediate neighbors more than likely will never see or hear someone who is using the proposed trail, that is, unless they choose to recreate on the trail, which undoubtedly they will do once the trail is in place.

The Oak Hill Trails Association does not wish to get involved in the details of the zoning case, however, we do support any landowner who will provide assistance towards the building of the Williamson Creek Trail, especially when a donation of a recreational easement will help the citizens of Austin to exercise and enjoy the outdoor community space.

--
Rick Perkins
512-426-5728
rick@perkins.com

"The views expressed in this email are of the sender
and do not represent opinions of a particular organization
unless so stated."

8/21/2008



WWW.HILLCOUNTRYCONSERVANCY.ORG

August 21, 2008

To: Honorable Mayor Will Wynn and City Council Members

Re: Zoning Case C14-2008-0115-4808 William Cannon Drive.

It is my understanding that the property owner, Gail Whitfield, has offered the City of Austin a conservation easement along Williamson Creek as part of her request to rezone the property from SF2 to LR. We are not familiar with all the aspects of the zoning case and do not take positions on specific projects. However, we urge the Council to consider the benefits of obtaining conservation easements along Williamson Creek as you deliberate on this agenda item.

A trail along Williamson Creek is one of twelve top-priority trails identified by the Austin Area Trails Network, a group comprised of citizens, non-profit groups and government representatives working collaboratively to plan and build a five-county trail system. The Williamson Creek Trail is envisioned to connect with Walk For A Day and Oak Hill. Obtaining easements along Williamson Creek is an important step toward effecting the vision of an extensive interconnected trail network for the greater Austin area. I believe most of the Williamson Creek corridor in this area is already owned by the City of Austin (or conservation easements are in place), with the exception of this property and two more needed to create a contiguous greenbelt. Each individual easement and "acquisition" moves us measurably closer to our goals.

Thank you for your consideration and all that you do to support a strong and vibrant parks and trails system for the City of Austin.

Sincerely,

A handwritten signature in dark ink, appearing to read "George Cofer", written in a cursive style.

George Cofer
Executive Director
(512.657.3628)

AUSTIN PARKS FOUNDATION



701 Brazos, Ste. 170 tel 512.477.1566
Austin, TX 78701 fax 512.477.1586
www.austinparks.org apf@austinparks.org

August 20, 2008

The Honorable Will Wynn
Mayor, City of Austin
P.O. Box 1088
Austin, TX 78767

Dear Mayor Wynn,

The Austin Parks Foundation would like to address the zoning case C14-2008-0115 for 4808 William Cannon Drive. It is our understanding that the property owner, Gail Whitfield, has offered the City a conservation easement along Williamson Creek as a part of her request to rezone the property from SF2 to LR. We are not familiar with all aspects of this zoning case and have not taken a position on the item. However, we urge the council to place a high priority on the benefits of obtaining easements along Williamson Creek.

A trail along Williamson Creek is one of twelve top-priority trails identified by the Austin Area Trails Network, a working group comprised of citizens, non-profit groups and government representatives. The Williamson Creek Trail is envisioned to connect with Walk For A Day and Oak Hill. Obtaining easements along Williamson Creek is an important step to realizing the vision of an extensive interconnected trail network for Austin. Most of the creek is already City of Austin property or easements, with only this property and two more needed to create a contiguous greenbelt.

Thank you for your consideration and all that you do to support a strong and vibrant parks system for the City of Austin.

Sincerely,

Jacqui Schraad
Jacqui Schraad
President

Mayor Pro Tem Brewster McCracken
Council Member Sheryl Cole
Council Member Lee Leffingwell
Council Member Mike Martinez
Council Member Laura Morrison
Council Member Randi Shade

President

Jacqui Schraad
Heritage Society of Austin

Immediate Past President

Sherri Kuhl
Lower Colorado River Authority

Treasurer

David Erickson
Erickson Dernel & Co.

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Donald DeGrasse
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Michael McGill
Freescale Semiconductor
Nikelle Meade
Brown McCarroll, LLP
Lori Moreno
Texas Gas Service Co.
Jill Nokes
Jill Nokes Landscape Design
Bill Talbot
Hill Country Outdoors
Stuart Strong
Ex Officio

Advisory Board

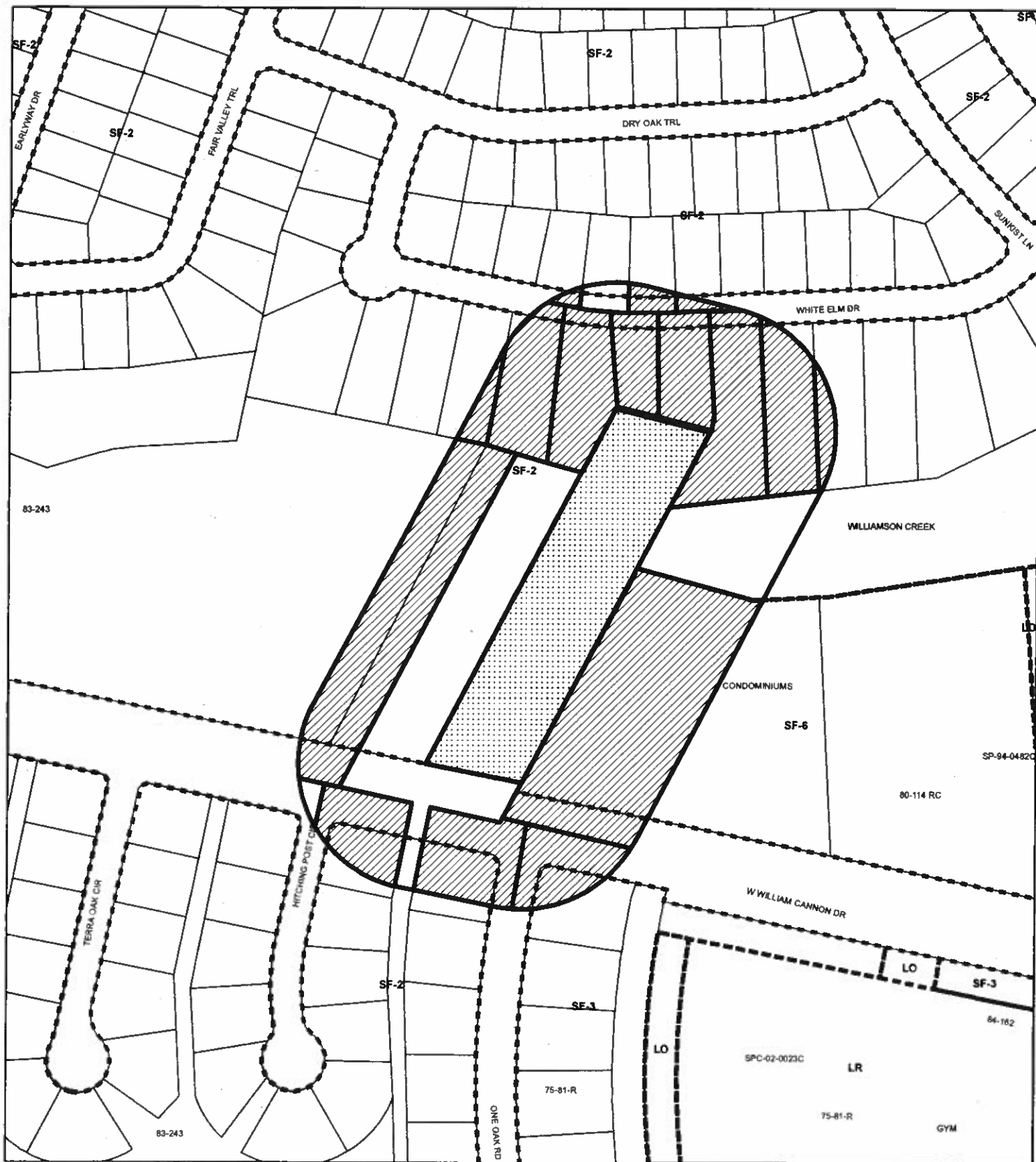
Jamil Alam
Endeavor Real Estate Group
Brian Block
Keep Austin Beautiful
Jeb Boyt
Austin Metro Trails & Greenways
Milo Burdette
Barshop & Oles
Paul Carrozza
RunTex
Griffin Davis
The Trail Foundation
Ron Ford
Penn Investment Group
Sara Leon
Powell & Leon, LLP
David Mitchell
Austin Runners Club
Bob Richardson
rvi - planning + landscape
architecture
Mary E. Thompson
Corder/Thompson & Assoc.
Steve Younkman
Live Oak Development

Staff

Executive Director
Charlie McCabe

Outreach Director
Rosie Weaver





PETITION

CASE#: C14-2008-0115
 ADDRESS: 4808 WILLIAM CANNON DR
 GRID: D18
 CASE MANAGER: W. RHOADES

OPERATOR: S. MEEKS



This map has been produced by G.I.S. Services for the sole purpose of geographic reference.
 No warranty is made by the City of Austin regarding specific accuracy or completeness.

PETITION

Case Number:

C14-2008-0115

Date:

Aug. 19, 2008

4808 WILLIAM CANNON DR

Total Area Within 200' of Subject Tract

439,919.69

1	04-1028-0819	DARTER RICHARD B	1392.70	0.32%
2	04-1028-0820	SALINAS RUBEN & DEBORAH SALINA	2947.09	0.67%
3	04-1028-0822	HARKIN ELIZABETH & JAMES L	930.47	0.21%
4	04-1028-0908	EASTERLING GORDANA	3978.68	0.90%
5	04-1028-0909	WALLACE CHARLOTTE	19991.61	4.54%
6	04-1028-0910	FRAZER RICHARD A	21093.45	4.79%
7	04-1028-0911	DOBRINSKI BILL & NANCY	10856.94	2.47%
8	04-1028-0912	REEVE ANGELICA		
9	04-1028-0913	CARONE	14940.57	3.40%
10	04-1028-0914	ZETT MELBA R	28568.39	6.49%
11	04-1028-0915	STONEFIELD		
12	04-1028-0942	CHARLES W II	20589.86	4.68%
13	04-1228-0201	MCCONNELL DAVID & SUSAN	4429.52	1.01%
14	04-1228-0261	BALLARD DAN	56352.05	12.81%
15	04-1228-0614	& DOROTHY G	21092.69	4.79%
16	04-1228-0706	CATALDO GARY A & M GRACE	16110.36	3.66%
17		HARRIS MARY & DAVID		
18		HERNANDEZ	15,685.62	3.57%
19		PALMER DANIEL	88,538.45	20.13%
20				0.00%
21				0.00%
22				0.00%
23				0.00%
24				0.00%
25				0.00%
26				0.00%

Validated By:

Stacy Meeks

Total Area of Petitioner:

327,498.42

Total %

74.45%

P E T I T I O N

Date: August 6, 2008
File Number: C14-2008-0115

Address of 4808 Wm Cannon
Rezoning Request: Austin, Texas 78749

To: Austin City Council

We, the undersigned owners of property affected by the requested zoning change described in the referenced file, do hereby protest against any change of the Land Development Code which would zone the property to any zoning classification other than SF-2.

Petitioners state the following reasons for the protest:

- Oak Hill Neighborhood Plan and FLUM as well as City Planning Commission Staff support the subject property as SF-2.
- City of Austin's focus is on nodal commercial growth at major intersections such as the one at Wm Cannon at Mopac rather than expansion of mid-block commercial growth.
- Existing retail and office space is available in the surrounding area negating the need for additional mid-block expansion.
- Rezoning would establish a precedent for the rezoning of the Wm Cannon property between Brush Country and McCarty Lane.
- Adjacency – surrounding property on all sides is zoned SF, making this 'pocket' zoning.
- Subject property has significant CEFs (Critical Environmental Features) and it is located in the Edwards Aquifer Contributing Zone, in the Drinking Water Protection Zone and is located within the endangered species survey area.
- Commercial development of the property will exacerbate flooding along Williamson Creek and may increase pollution in the creek.
- Re-zoning this property will reduce trees, vegetative cover and native habitat when impervious cover is increased. Several 'protected' oak trees exist on the property.

(PLEASE USE BLACK INK WHEN SIGNING PETITION)

Signature

Printed Name

Address

<u>Dan Ballard</u>	Dan Ballard	4900 West William Cannon Austin Tx 78749
<u>Charlotte S Waller</u>	Charlotte S Wallace	4901 White Elm Dr Austin Tx 78749
<u>Jeffrey</u>	<u>Dan Farmer</u>	<u>4120 W. Wm Cannon #8</u>
<u>President Westcreek Ranch HOA.</u>		<u>Austin, TX 78749</u>
<u>Grace Cataldo</u>	Grace Cataldo	6801 Hitching Post Cir Austin TX 78749
<u>Mary Harris</u>	Mary Harris	6701 Ono Oak Rd Austin, TX 78749
<u>Daniel Hernandez</u>	DAVID HERNANDEZ	

DATE: August 12, 2008

CONTACT NAME: Charlotte Wallace
Phone #: (512) 554-1773

P E T I T I O N

Date: August 6, 2008
File Number: C14-2008-0115

Address of 4808 Wm Cannon
Rezoning Request: Austin, Texas 78749

To: Austin City Council

We, the undersigned owners of property affected by the requested zoning change described in the referenced file, do hereby protest against any change of the Land Development Code which would zone the property to any classification other than SF-2. Sec. 1-2-1 of the Land Development Code, Protest of a Proposed Rezoning, states that:

a proposed rezoning shall not become effective except by the favorable vote of three-fourths of all members of the Council, if a petition has been filed, signed by the owners of 20% or more of

- 1) the land included in such a proposed change, or
- 2) the land immediately adjoining the same and extending 200 ft. there from.

Petitioners state the following reasons for the protest:

- Oak Hill Neighborhood Plan and FLUM as well as City Planning Commission Staff support the subject property as SF-2.
- City of Austin's focus is on nodal commercial growth at major intersections such as the one at Wm Cannon at Mopac rather than expansion of mid-block commercial growth.
- Existing retail and office space is available in the surrounding area negates the need for additional mid-block expansion.
- Rezoning would establish a precedent for the rezoning of the Wm Cannon property between Brush Country and McCarty Lane.
- Adjacency -- surrounding property on all sides is zoned SF-2, making this 'pocket' zoning.
- Subject property has significant CEFs (Critical Environmental Features) and it is located in the Edwards Aquifer Contributing Zone, in the Drinking Water Protection Zone and is located within the endangered species survey area.
- Commercial development of the property will exacerbate flooding along Williamson Creek and may increase pollution in the creek.
- Re-zoning this property will reduce trees, vegetative cover and native habitat when impervious cover is increased. Several 'protected' oak trees exist on the property.

The signatures to follow represent 20% or more of the owners of the land immediately adjoining 4808 W. William Cannon and extending 200 ft. there from. Thank you for your consideration and attention to this matter.

Respectfully Submitted,

(PLEASE USE BLACK INK WHEN SIGNING PETITION)

Signature	First	Last	Street #	Street	City	State	Zip
	Dan	Ballard	4900	W William Cannon Dr	Austin	TX	78749
	Venturina	Biggs	8400	Treehouse Ln	Austin	TX	78749
* <i>Harry A. Cataldo</i>	Gary	Cataldo	6801	Hitching Post	Austin	TX	78749
	Brett	Darter	4812	White Elm Dr	Austin	TX	78749
	Bill & Nancy	Dobrinski	4817	White Elm Dr	Austin	TX	78749
<i>Q. Easterling</i>	Gordana	Easterling	4903	White Elm Dr	Austin	TX	78749
<i>Richard E. Lujan</i>	Richard A	Frazer	4819	White Elm Dr	Austin	TX	78749
	Norma	Galindo	6701	One Oak Rd	Austin	TX	78749
<i>Elizabeth Sue Harkin</i>	Elizabeth & James L	Harkin	4900	White Elm Dr	Austin	TX	78749
<i>George O. Harrison</i>	George O & Dorothy	Harrison	6700	One Oak Rd	Austin	TX	78749
<i>Dorothy Harrison</i>	David	Hinds	6701	One Oak Rd	Austin	TX	78749
<i>Dave McConnell</i>	David & Susan	McConnell	4809	White Elm Dr	Austin	TX	78749
	William C	McMillan	4913	White Elm Dr	Austin	TX	78749
	WestCreek Ranch HOA C/O Dan Parmer	Parmer	4620	W William Cannon Dr	Austin	TX	78749
<i>Angelica Reese</i>	Angelica Carone	Reeve	4815	White Elm Dr	Austin	TX	78749
	Cecilia M & Mark R	Rohloff	4810	White Elm Dr	Austin	TX	78749
<i>Rubens</i>	Ruben & Deborah	Salinas	4814	White Elm Dr	Austin	TX	78749
	Charles W II	Stonefield	4811	White Elm Dr	Austin	TX	78749
<i>Charlotte S. Wallace</i>	Charlotte	Wallace	4901	White Elm Dr	Austin	TX	78749
	Jeff	Warner	6801	One Oak Rd	Austin	TX	78749
<i>Meena R. Zett</i>	Melba R	Zett	4813	White Elm Dr	Austin	TX	78749

Date: August 12, 2008

Contact Name: **Charlotte Wallace**

Phone Number: (512) 554-1773

P E T I T I O N

Date: August 6, 2008

File Number: C14-2008-0115

Address of 4808 Wm Cannon
Rezoning Request: Austin, Texas 78749

To: Austin City Council

We, the undersigned owners of property affected by the requested zoning change described in the referenced file, do hereby protest against any change of the Land Development Code which would zone the property to any classification other than SF-2.

Petitioners state the following reasons for the protest:

- Oak Hill Neighborhood Plan and FLUM as well as City Planning Staff support the subject property as SF-2
- City of Austin focus is on nodal commercial growth at major intersections such as the one at Wm Cannon at Mopac rather than expansion of mid-block commercial growth.
- Existing retail and office space is available in surrounding area negates the need for additional mid-block expansion.
- Rezoning would establish a precedent for the rezoning of the Wm Cannon property between Brush Country and McCarty Lane.
- Adjacency – surrounding property on all sides are zoned SF-2, making this ‘pocket’ zoning.
- Subject property has significant CEFs (Critical Environmental Features) and it is located in the Edwards Aquifer Contributing Zone, in the Drinking Water Protection Zone and is located within the endangered species survey area.
- Commercial development of the property will exacerbate flooding along Williamson Creek and may increase pollution in the creek.
- Re-zoning this property will reduce trees, vegetative cover and native habitat when impervious cover is increased. Several ‘protected’ oak trees exist on the property.

(PLEASE USE BLACK INK WHEN SIGNING PETITION)

Signature

Printed Name

Address

 Dan Falmer 4620 W. Wm Cannon #8

Date: 8-7-08

Contact Name: Dan Palmer

Phone Number: 658-9435

President Westcreek
Ranch H.O.A.

P E T I T I O N

Date: August 6, 2008

File Number: C14-2008-0115

Address of 4808 Wm Cannon

Rezoning Request: Austin, Texas 78749

To: Austin City Council

We, the undersigned owners of property affected by the requested zoning change described in the referenced file, do hereby protest against any change of the Land Development Code which would zone the property to any zoning classification other than SF-2.

Petitioners state the following reasons for the protest:

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- City of Austin's focus is on nodal commercial growth at major intersections such as the one at Wm Cannon at Mopac rather than expansion of mid-block commercial growth.
- Existing retail and office space is available in the surrounding area negating the need for additional mid-block expansion.
- Rezoning would establish a precedent for the rezoning of the Wm Cannon property between Brush Country and McCarty Lane.
- Adjacency – surrounding property on all sides is zoned SF, making this 'pocket' zoning.
- Subject property has significant CEFs (Critical Environmental Features) and it is located in the Edwards Aquifer Contributing Zone, in the Drinking Water Protection Zone and is located within the endangered species survey area.
- Commercial development of the property will exacerbate flooding along Williamson Creek and may increase pollution in the creek.
- Re-zoning this property will reduce trees, vegetative cover and native habitat when impervious cover is increased. Several 'protected' oak trees exist on the property.

(PLEASE USE BLACK INK WHEN SIGNING PETITION)

Signature

Printed Name

Address

Elizabeth Renzett ELIZABETH RENZETT 4620 W. WM CANNON DR
UNIT 2

P E T I T I O N

Date: August 6, 2008

File Number: C14-2008-0115

Address of 4808 Wm Cannon
Rezoning Request: Austin, Texas
78749

To: Austin City Council

We, the undersigned owners of property affected by the requested zoning change described in the referenced file, do hereby protest against any change of the Land Development Code which would zone the property to any zoning classification other than SF-2.

Petitioners state the following reasons for the protest:

Oak Hill Neighborhood Plan and FLUM as well as City Planning Commission Staff support the subject property as SF-2.

City of Austin's focus is on nodal commercial growth at major intersections such as the one at Wm Cannon at Mopac rather than expansion of mid-block commercial growth.

Existing retail and office space is available in the surrounding area negating the need for additional mid-block expansion.

Rezoning would establish a precedent for the rezoning of the Wm Cannon property between Brush Country and McCarty Lane.

Adjacency – surrounding property on all sides is zoned SF, making this 'pocket' zoning.

Subject property has significant CEFs (Critical Environmental Features) and it is located in the Edwards Aquifer Contributing Zone, in the Drinking Water Protection Zone and is located within the endangered species survey area.

Commercial development of the property will exacerbate flooding along Williamson Creek and may increase pollution in the creek.

Re-zoning this property will reduce trees, vegetative cover and native habitat when impervious cover is increased. Several 'protected' oak trees exist on the property.

(PLEASE USE BLACK INK WHEN SIGNING PETITION)

Signature



Printed Name

Kathleen Ramos

A d d r e s s

4620 West William Cannon #6
Austin, TX 78749

P E T I T I O N

Date: August 6, 2008
File Number: C14-2008-0115

Address of 4808 Wm Cannon
Rezoning Request: Austin, Texas 78749

To: Austin City Council

We, the undersigned owners of property affected by the requested zoning change described in the referenced file, do hereby protest against any change of the Land Development Code which would zone the property to any classification other than SF-2.

Petitioners state the following reasons for the protest:

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(PLEASE USE BLACK INK WHEN SIGNING PETITION)

Signature

Printed Name

Address


Dan Palmer

Dan Palmer
Cindy Palmer

4620 W. Wm Cannon #8
4620 W. Wm Cannon #8

Date: 8-7-08

Contact Name: Dan Palmer

Phone Number: 658-9435

President Westcreek
Ranch H.O.A.

P E T I T I O N

Date: August 6, 2008

File Number: C14-2008-0115

Address of 4808 Wm Cannon

Rezoning Request: Austin, Texas 78749

To: Austin City Council

We, the undersigned owners of property affected by the requested zoning change described in the referenced file, do hereby protest against any change of the Land Development Code which would zone the property to any zoning classification other than SF-2.

Petitioners state the following reasons for the protest:

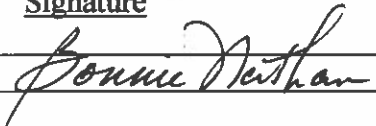
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- Re-zoning this property will reduce trees, vegetative cover and native habitat when impervious cover is increased. Several 'protected' oak trees exist on the property.

(PLEASE USE BLACK INK WHEN SIGNING PETITION)

Signature

Printed Name

Address

	BONNIE NATHAN	4620W William Cannon #10 Austin TX 78749

P E T I T I O N

Date: August 6, 2008

File Number: C14-2008-0115

Address of 4808 Wm Cannon
Rezoning Request: Austin, Texas 78749

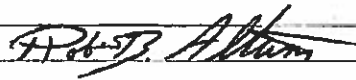
To: Austin City Council

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- Re-zoning this property will reduce trees, vegetative cover and native habitat when impervious cover is increased. Several 'protected' oak trees exist on the property.

(PLEASE USE BLACK INK WHEN SIGNING PETITION)

<u>Signature</u>	<u>Printed Name</u>	<u>Address</u>
	Robert B. Altum	4620 W. William Cannon Dr. #12 Austin, TX 78749

08/11/08